

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**JACKSON LEWIS LLP
One North Broadway
White Plains, New York 10601
(914) 328-0404**

**Greg Riolo (GR 1634)
Michael A. Frankel (MF 9712)**

**Attorneys for Defendant Mediacom Communications
Corporation**

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MIRIAM BAUZA, :
:
Plaintiff, : Case No. 07 CIV. 6542 (CLB)
:
- against - :
:
MEDIACOM COMMUNICATIONS :
CORPORATION, :
:
Defendant. :
-----X-----

**AFFIRMATION OF GREG RIOLO, ESQ. IN
SUPPORT OF DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

GREG RIOLO, ESQ., an attorney duly admitted to practice before this Court and the courts of the State of New York, hereby affirms under penalty of perjury that the following statements are true:

1. I am a partner in the law firm of Jackson Lewis LLP, counsel for Defendant Mediacom Communications Corporation (hereinafter "Defendant") in the above-entitled matter.
2. I am fully familiar with the facts and circumstances contained herein, based on a review of the files and records in this matter. This Affirmation is submitted in support of Defendant's motion for summary judgment.

3. On or about July 24, 2007, Plaintiff filed a Summons and Complaint in the above entitled matter in the United States District Court for the Southern District of New York. A true and correct copy of Plaintiff's Complaint in this action is annexed hereto as Exhibit **A**.

4. On September 21, 2007, Defendant filed and served its Answer to the Complaint. A true and correct copy of Defendant's Answer is annexed hereto as Exhibit **B**.

5. A true and correct copy of Plaintiff's Employment Application, identified as Exhibit E in Plaintiff's deposition, is annexed hereto as Exhibit **C**.

6. On March 19, 2008, Defendant took the deposition of Plaintiff Miriam Bauza. A true and correct copy of the relevant pages of said deposition cited by Defendant in its accompanying Memorandum of Law and Local Rule 56.1 Statement is annexed hereto as Exhibit **D**.

7. A true and correct copy of Mediacom's Antidiscrimination and Sexual Harassment Policy, identified as Exhibit H in Plaintiff's deposition, is annexed hereto as Exhibit **E**.

8. A true and correct copy of the relevant pages of Mediacom's Employee Handbook, identified as Exhibit F in Plaintiff's deposition, is annexed hereto as Exhibit **F**.

9. A true and correct copy of Plaintiff's Notice and Proof of Claim of Disability Benefits Form, identified as Exhibit J in Plaintiff's deposition, is annexed hereto as Exhibit **G**.

10. On March 17, 2008, Plaintiff took the deposition of Mediacom's Senior Payroll Manager Regina Burgos. A true and correct of the relevant pages of said deposition cited by Defendant in its accompanying Memorandum of Law and Local Rule 56.1 Statement is annexed hereto as Exhibit **H**.

11. A true and correct copy of Aetna's November 15, 2006 letter to Plaintiff confirming the overpayment of short term disability benefits, identified as Exhibit T in Plaintiff's deposition, is annexed hereto as Exhibit **I**.

12. True and correct copies of the benefit checks Plaintiff received while on short term disability leave, identified as Exhibits M-S in Plaintiff's deposition, are annexed collectively hereto as Exhibit J.

13. On March 17, 2008, Plaintiff took the deposition of Mediacom's Senior Director of Human Resources Judy Mills. A true and correct copy of the relevant pages of said deposition cited by Defendant in its accompanying Memorandum of Law and Local Rule 56.1 Statement is annexed hereto as Exhibit K.

14. On March 17, 2008, Plaintiff took the deposition of Mediacom's Senior Director of Finance Joe Michulski. A true and correct copy of the relevant pages of said deposition cited by Defendant in its accompanying Memorandum of Law and Local Rule 56.1 Statement is annexed hereto as Exhibit L.

15. Copies of all unreported decisions cited in Defendant's accompanying Memorandum of Law are annexed hereto for the Court's convenience as Exhibit M.

WHEREFORE, for the reasons set forth in Defendant's accompanying Memorandum of Law, Defendant respectfully requests that this Court grant its motion for summary judgment in its entirety.

I have read the above fifteen (15) numbered paragraphs and know them to be true to my own knowledge or upon information and belief.



GREG RIOLO

Dated: May 9, 2008
White Plains, New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

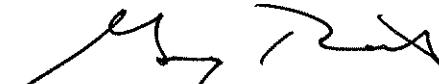
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MIRIAM BAUZA, :
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the Affirmation Of Greg Riolo, Esq.

In Support Of Defendant's Motion For Summary Judgment has been filed via ECF and served via First Class mail, postage prepaid, this 9th day of May, 2008, on counsel for Plaintiff at the address set forth below:

Craig M. Bonnist, Esq.
Bonnist & Cutro, LLP
31 Purchase Street, Suite 3-1
Rye, New York 10580
Attorneys for Plaintiff



Greg Riolo